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CASE LA23b CIP-1

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June 26, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

TIMMINS ET AL.

Art. Unit: 1615

APPLICATION NO: 09/398,107

Examiner: J. Spears

FILED: SEPTEMBER 16, 1999

**FOR: BIPHASIC CONTROLLED RELEASE DELIVERY SYSTEM FOR
HIGH SOLUBILITY PHARMACEUTICALS AND METHOD**

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT UNDER RULE 37CFR 1.312

Sir:

Applicants request that the following amendments be entered in the above identified application. Due date for payment of the Issue Fee is July 22, 2002.

IN THE SPECIFICATION

D1
Page 1, replace the paragraph at lines 5 and 6 as follows:

--- This is a continuation-in-part of U.S. application Serial No. 09/044,446 filed March 19, 1998, now abandoned. ---

D2
Page 21, replace the paragraph at lines 4 to 28 with the following paragraph:

--- Preferred non-ionic polymers for use in the outer solid continuous phase are those which assure rapid hydration of the